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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|--------------------------------|---------------------------|------------------------|
| 10/800,475 | 03/15/2004 | Jose Madeira De Freitas Garcia | G&C 30566.322-US-01 | 3199 |
| 55895 | 7590 | 10/04/2007 | | |
| GATES & COOPER LLP HOWARD HUGHES CENTER 6701 CENTER DRIVE WEST, SUITE 1050 LOS ANGELES, CA 90045 | | | EXAMINER KUMAR, ANIL N | |
| | | | ART UNIT 2174 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/800,475 | Applicant(s) GARCIA ET AL. | |
| | Examiner Anil N. Kumar | Art Unit 2174 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>1/20/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the original filing of March 15th, 2004. Claims (1-18) are pending and have been considered below.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 13-18 are rejected under 35 U.S.C. because the claimed invention is directed to non-statutory subject matter. The language of the claims raise a question as to whether the claims are directed merely to abstract ideas that are not tied to a technological art, environment, or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. Claims considered to be Non-functional Descriptive Material are not statutory even if in combination with a physical medium. see **MPEP § 2106**

Regarding claims 13-18, the phrase "article of manufacture" is intended to cover a signal as described in the specifications (page 6 lines 8-11). Claiming a signal per se is considered non-statutory subject matter because a signal is a form of energy.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 7-18 are rejected under 35 U.S.C. 102(b) as being unpatentable over Bonney et al. ("Bonney", US 6,466,953 B1).

Claim 1: Bonney teach, A method for operating a graphics program in a computer (Fig. 8), comprising:
performing a Sheet Set Manager function in the graphics program (Fig. 4),
wherein the Sheet Set Manager manages a one or more Sheet Sets
(organizational and management of hierarchical relationships sheets, col 1 lines 10-14), each of the Sheet Sets comprises a collection of zero or more Sheets and Subsets of the Sheets, each of the Sheets comprises a drawing, layout or view (generates objects of the drawing sheets, col 3/4 lines 65-7 and Fig.2), and the Sheet Set Manager allows users to place callouts on the Sheets directly from the window (a user of a CAD application draws icons on a display device, col 5 lines 4-11 and Fig.2).

Claim 2: Bonney teach, wherein the callouts indicate which Sheet or View to display for additional information (Fig. 4).

Claim 3: Bonney teach, wherein the Sheet Set Manager automatically creates fields that display appropriate labels when the callouts are placed on the Sheets (links descriptive fields in one or more icons, col 3 lines 2-15 Fig. 4).

Claim 5: Bonney teach, wherein the Sheet Set Manager automatically updates the callouts (update icons automatically, col 3 lines 2-15 Fig. 4).

Claim 7 is similar in scope to claim 1, and therefore rejected under similar rationale. Bonney further teach, apparatus used in CAD environment (Fig. 1).

Claim 8 is similar in scope to claim 2, and therefore rejected under similar rationale.

Claim 9 is similar in scope to claim 3, and therefore rejected under similar rationale.

Art Unit: 2174

Claim 10 is similar in scope to claim 4, and therefore rejected under similar rationale.

Claim 11 is similar in scope to claim 5, and therefore rejected under similar rationale.

Claim 12 is similar in scope to claim 6, and therefore rejected under similar rationale.

Claim 13 is similar in scope to claim 1, and therefore rejected under similar rationale. Bonney further teach, program instructions are to be provided from a storage device such as CD-ROM (col 3 line 52-62).

Claim 14 is similar in scope to claim 2, and therefore rejected under similar rationale.

Claim 15 is similar in scope to claim 3, and therefore rejected under similar rationale.

Claim 16 is similar in scope to claim 4, and therefore rejected under similar rationale.

Claim 17 is similar in scope to claim 5, and therefore rejected under similar rationale.

Claim 18 is similar in scope to claim 6, and therefore rejected under similar rationale.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonney et al. ("Bonney", US 6,466,953 B1).

Claim 4: Bonney teach, wherein the Sheet Set Manager allows users to place callouts on the Sheets before a referenced Sheet or View has been defined.

Official Notice is taken that the use of placing callouts/icons is well known in the art, especially in linking/referencing an object. It would have been obvious to an artisan at the time of the invention to allow the user to place a callout/icon with or

Art Unit: 2174

without a placeholder, as it is the most convenient and efficient way for the user to use a CAD tool.

Claim 6: Bonney teach, wherein the Sheet Set Manager allows users to create collections of callouts. Official Notice is taken that the creation of a group or a collection of callouts/icons is well known in the art, especially in linking/referencing a set of objects. It would have been obvious to an artisan at the time of the invention to allow the user to create a group or collection of callouts/icons that can be repeated reused, as it is the most convenient and efficient way for the user to use a CAD tool.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil N. Kumar whose telephone number is (571) 270-1693. The examiner can normally be reached on Wednesdays and alternate Mon-Tue and Thu-Fri EST (Alternate Mon-Tue and Thu-Fri off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

Art Unit: 2174

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ANK

8/31//2007

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